

REMARKS

The Examiner is thanked for the indication that claims 13-22 and 33-38 are allowable over the prior art of record and that claim 10 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 1 and 5-38 are pending in the application. Claims 1, 13, 20, 23, 29, 33, and 36 are independent. By the forgoing Amendment, Applicants have amended claims 1, 23, and 29 and have canceled claims 2-4. These changes are believed to introduce no new matter and their entry is respectfully requested.

Rejection of Claims 1-8, 11-12, 23-25 and 27-31 Under 35 U.S.C. §102(b)

In the Office Action, the Examiner rejected claims 1-8, 11-12, 23-25 and 27-31 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,175,811 to Tekinay (hereinafter “Tekinay”). A claim is anticipated only if each and every element of the claim is found in a reference. (MPEP §2131 *citing Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628 (Fed. Cir. 1987)). The identical invention must be shown in as complete detail as is contained in the claim. *Id. citing Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236 (Fed. Cir. 1989)). Applicants respectfully traverse the rejection.

Representative amended independent claim 1 recites in pertinent part “wherein the timing parameter includes at least one of *a clock period* and/or *jitter rate* of the RF signal” (emphasis added). Support for these changes come from original claims 2-4, thus Applicants respectfully submit that new search is required.

The Examiner states that Tekinay teaches applying a wavelet representation to a radio frequency signal under test and extracting parameters (defining the amount of multipath components that signal were to travel in a region of RF) from the RF signal using the wavelet transform of the RF signal. Applicants respectfully submit that Tekinay is not properly applied to the claimed invention as amended. The time-shift in Tekinay cannot be equated with the “clock period and/or jitter rate” recited in the claims. The “time-shift” in Tekinay is defined as the incorrect determination that the line-of-sight component of a signal transmitted by a terminal arrived at a time later than it actually arrived (col. 2, lines 14-33). This is not the same or even

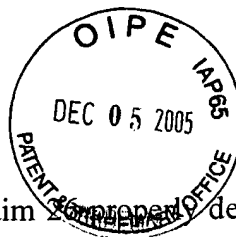
similar to a clock period or jitter rate. Accordingly, Tekinay fails to show the identical invention in as complete detail as is contained in independent claim 1.

Because Tekinay is not properly applied to and/or fails to teach the identical invention in as complete detail as is contained in independent claim 1, Applicants therefore respectfully submit that the Examiner has failed to make out a *prima facie* case of anticipation of claim 1 with respect to Tekinay and that claim 1 therefore is patentable over Tekinay. Claims 2-4 have been canceled, which renders the rejection of them moot. Claims 5-8 and 11-2 properly depend from claim 1, and as a result are patentable over Tekinay for at least the same reasons that claim 1 is patentable over Tekinay. Accordingly, Applicants respectfully request that the Examiner reconsider and remove the rejection to claims 1-8 and 11-12.

With respect to claims 11-12, 24, and 27, Applicants note that the Examiner attached a document entitled "The Wavelet Transform." The document appears to be used to expand the meaning of the term "wavelet" in Tekinay to cover the Morlet wavelet and the Haar wavelet recited in the claims. Applicants respectfully submit that this is improper. MPEP §2131.01 II provides that extrinsic evidence may be used to *explain but not expand* the meaning of terms and phrases used in the reference relied upon as anticipatory of the claimed subject matter. The wavelet in Tekinay is used to identify the time-of-arrival of the line-of-sight component of an incoming signal. The Examiner has provided no indication that a person of ordinary skill in the relevant art would know such a wavelet to mean a Haar wavelet or a Morlet wavelet in particular. Accordingly, Applicants respectfully submit that using the document entitled "The Wavelet Transform" in this manner is an improper expansion of the meaning of the term and respectfully requests that the examiner reconsider and remove the rejections to claims 11-12, 24, and 27.

Rejection of Claims 9, 26, and 32 Under 35 U.S.C. §103(a)

In the Office Action, the Examiner rejected claims 9, 26, and 32 as obvious over Tekinay in view of U.S Patent No. 5,990,823 to Peele et al. (hereinafter "Peele"). To establish a *prima facie* case of obviousness, an Examiner must show that that there is some suggestion or motivation to modify a reference to arrive at the claimed invention, that there is some expectation of success, and that the cited reference teaches each and every element of the claimed invention. (MPEP §2143.) Applicant respectfully traverses the rejection.



Claim 9 properly depends from claim 1, claim 26 properly depends from claim 23, and claim 32 properly depends from claim 29, all of which Applicants respectfully submit are patentable. Accordingly, Applicants respectfully submit that claims 9, 26, and 32 are patentable for at least the same reasons as claims 1, 23, and 29 are patentable. MPEP §2143.03 provides that if an independent claim is unobvious, then any claim depending from the independent claim is unobvious (citing *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)). It follows that if an independent claim is patentable over the art of record, then any claim depending from the independent claim is patentable over the art of record. Accordingly, Applicant respectfully requests that the Examiner reconsider and remove the rejection to claims 9, 26, and 32.

CONCLUSION

Applicants submit that all grounds for rejection have been properly traversed, accommodated, or rendered moot and that the application is in condition for allowance. The Examiner is invited to telephone the undersigned representative if the Examiner believes that an interview might be useful for any reason.

Respectfully submitted,
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN

Date: 12/1/2005

Jan Little-Washington
Jan Little-Washington
Reg. No. 41,181
(206) 292-8600

CERTIFICATE OF MAILING BY FIRST CLASS MAIL (if applicable)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage in an envelope addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450

on December 1, 2005
Date of Deposit

Adrian Villarreal

Name of Person Mailing Correspondence

[Signature]
Signature

December 1, 2005
Date